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Attorney Docket 4430-18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Andrew D. Barofsky & Kenton W. Gregory

PATENT & TRADEMARK OFFICE

Serial No.: 08/797,770

Art Unit: 3738



Filed: February 7, 1997

Examiner: Paul Prebilic

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For: METHOD FOR USING TROPOELASTIN AND FOR PRODUCING
TROPOELASTIN BIOMATERIALS

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed September 11, 2002 rejecting claims 1-13, 15-24, 36-39, 41-55, 74 and 76-104. The items checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of a small entity.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 CFR 1.17(e) the fee for filing the Notice of Appeal is:

Notice of Appeal fee due -small entity

\$160.00

3. EXTENSION OF TERM

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

Notice of Appeal fee \$160.00

TOTAL FEE DUE

\$160.00

5. FEE PAYMENT

PTO Form 2038 authorizing credit card payment for \$160.00 is enclosed.

Any deficiency or overpayment for extensions of time or claims should be charged or credited to deposit account number 13-1703. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Jerome S. Marger
Registration Number 26,480

I HEREBY CERTIFY THAT THIS COMMUNICATION
RESPONDENCE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL IN AN
ENVELOPE ADDRESSED TO:
 COMMISSIONER OF PATENTS AND
TRADEMARKS, WASHINGTON D.C. 20231
 ASSISTANT COMMISSIONER FOR
PATENTS, WASHINGTON D.C. 20231
 ASSISTANT COMMISSIONER FOR
TRADEMARKS, 2900 CRYSTAL DRIVE,
Arlington, VA 22202-3513
ON Nov. 5 2002
Attn: Jerome S. Marger

Marger Johnson & McCollom, P.C.
1030 SW Morrison Street
Portland, Oregon 97205
(503) 222-3613

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